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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHARLES D. RIEL,)	NO. CIV S-01-0507 LKK-KJM
)	
Petitioner,)	<u>DEATH PENALTY CASE</u>
)	
vs.)	
)	STIPULATION AND ORDER
WARDEN, San Quentin State Prison,)	
)	
Respondent.)	
)	
_____)	

Petitioner and Respondent by and through their respective counsel stipulate and agree to entry of the Order set forth hereinbelow as resolution of Petitioner's Motion to Enjoining Respondent from

Accessing Petitioner's CDCR records and Respondent's objection thereto.

Respectfully submitted August 14, 2009.

/s/ Robert D. Bacon
as authorized on June 19, 2009
ROBERT D. BACON

DANIEL BRODERICK
FEDERAL DEFENDER

/s/ Joan M. Fisher
JOAN M. FISHER
Assistant Federal Defender
Attorneys for Petitioner

and

EDMUND G. BROWN JR.
Attorney General of California

/s/ Paul A. Bernardino
as authorized on June 19, 2009
PAUL A. BERNARDINO
Deputy Attorney General

/s/ Heather S. Gimle
as authorized on June 19, 2009
HEATHER S. GIMLE
Attorneys for Respondent

ORDER

The parties having stipulated and agreed to the following, and the Court being fully apprised in the premises, and good cause appearing,

IT IS HEREBY ORDERED:

MEDICAL RECORDS

1. Respondent's counsel shall arrange for the delivery to the Copy Center of the Attorney General's Office of sealed packages of Petitioner's medical records (hereinafter "medical records") without review or publication to the Respondent's counsel until the records have been certified to have been sealed upon receipt and copied, scanned and numbered to provide identical duplicate sets for both Petitioner's and Respondent's counsel.

2. Each page of the medical records shall be marked with consecutive page numbers in a consistent location so that every page can be identified by a distinct number.

3. This Order "(A) Prohibits the parties from using or disclosing the protected health information for any purpose other than the litigation or proceeding for which such information was requested; and (B) Requires the return to the covered entity or destruction of the protected health information (including all copies made) at the end of the litigation or proceeding." 45 C.F.R. § 164.512.

"CDCR RECORDS"

1. Respondent's counsel shall arrange for the delivery to the Copy Center of the Attorney General's Office of sealed packages of Petitioner's CDCR central file (hereinafter "CDCR records") without review or publication to the Respondent's counsel until the records have been certified to have been sealed upon receipt and copied, scanned and numbered to provide identical duplicate sets for both Petitioner's and Respondent's counsel.

2. Each page of the CDCR records shall be marked with consecutive page numbers in a consistent location so that every page can be identified by a distinct number.

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1 3. The CDCR records will only be used by Respondent in this habeas proceeding pending before
2 this Court. Unless the parties have agreed otherwise, any court filing of the CDCR records shall be
3 subject to a Motion to Seal by Petitioner.

4 DATED: August 25, 2009.

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7 U.S. MAGISTRATE JUDGE
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